

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 7:14-cv-302-FL

MANUEL MATEO-EVANGELIO, JAIME)
TREJO-CARDONA, GILBERTO CERVANTES)
VEGA, REYNALDO VILLALOBOS-)
MARTINEZ, EMILIO REYES, MARIA DE LOS)
ANGELES GONZALEZ-ROMAN, RAMIRO)
CERVANTES VEGA, VEGA, FRANCISCO)
CARMELO MATIAS-CASTRO, PABLO)
GONZALEZ ROMAN,)
BENIGNOVILLAGOMEZ-GARCIA, and)
SERGIO NARCISO LOPEZ-JUAREZ,)
on behalf of themselves and all other similarly)
situated persons,)

PLAINTIFFS,)

v.)

TRIPLE J PRODUCE, INC., HOCUTT)
BROTHERS, INC., HOCUTT FARMS, INC.,)
JUDY HOCUTT, JOEY M. HOCUTT, JAMES)
MICHAEL HOCUTT, and M. JAY HOCUTT,)

Defendants.)

CLASS ACTION

**SWORN DECLARATION OF
ERIC L. DOGETT**

I, Eric L. Doggett, under penalty of perjury, state that the following is true and correct:

1. My name is Eric L. Doggett. I am a licensed attorney in North Carolina. I maintain a solo practice of law in Raleigh, North Carolina and as of August of 2015 I also practice with Strickland, Agner and Associates in Goldsboro, North Carolina. I started the practice of law as a solo practitioner in October of 2009.

2. In 1981 I earned a Bachelor of Science degree in Physics from N.C. State University. In 1989 I earned a Master's in Business Administration from Duke University while attending their

evening program. I worked in the technology field for most of my career, advancing from an engineer into senior management positions at Nortel Networks (1983-1996), and Tandem Computers and Compaq Computers (1996-1998). I was the President and Chief Executive Officer of Glenayre Technologies, then a publicly-traded NASDAQ-listed company (1999 – 2003). I lived and worked in Saudi Arabia as a telecommunications consultant from 1982-1983. I lived and worked as Vice President of Operations for Nortel's Japanese subsidiary in Tokyo from 1990 – 1992). I have run global businesses with customers in over 100 countries. I have extensive experience in establishing, supervising the implementation, and monitoring effective programs to ensure compliance with federal, state, and foreign labor and employment laws. This experience, which I believe to be fairly unique among other employment law practitioners, has helped my effectiveness in pursuing my clients' claims.

3. I earned a J.D. degree from Wake Forest University School of Law in May of 2009. I was a member of Wake Forest University School of Law's Moot Court Board and the Trial Bar. I competed in the National Moot Court and William and Mary Spong Constitutional Moot Court competitions. I was awarded entry to the Order of Barristers.

4. I have been a member of the North Carolina Bar since August of 2009. I have been a member of the bar of Georgia since July of 2010. I have been a member of the bar of the District of Columbia since June of 2010. I have been registered to practice as an attorney before the U.S. Patent and Trademark Office since 2010. I have been admitted to the United States District Courts for the Eastern District, Middle District, and the Western Districts of North Carolina since 2009. I was admitted to practice before the United States Court of Appeals for the Fourth Circuit in 2009.

5. My practice primarily consists of employment law, including FLSA/Wage and Hour cases, civil rights, torts, business disputes, and personal injury litigation. Many of my cases involve

litigation in the federal courts and representation of clients in administrative proceedings.

6. I have been a member of the National Employment Lawyers Association and the North Carolina Advocates for Justice. I belong to the Employment Law, Civil Rights, and Criminal Law sections of the North Carolina Advocates for Justice. During 2012 and 2013, I was the Ethics Chair for the Employment Law section of the North Carolina Advocates for Justice, the chair of the Employment Law section for the 2015-16 term, and am now the co-chair of the Employment Law sections legislative affairs. During 2012 I taught a CLE class for the Civil Rights section of the North Carolina Advocates for Justice.

7. I have filed 35 cases in the Eastern District of North Carolina, 21 of which relate to civil rights claims and 13 of which relate to employment law, and have tried one of the civil rights cases and one of the employment law cases. I filed two cases in the Middle District of North Carolina and was co-counsel on another case, two of which related to employment law and the other which was a Federal Tort Claim Act case. Additionally, I have represented clients in matters that resolved prior to the initiation of court proceedings or are currently pending administrative exhaustion before the EEOC and/or the N.C. Dept. of Labor. I have argued and prevailed in preserving the district court's decision in an appeal to the Fourth Circuit, have settled another appeal, and currently have an appeal pending.

8. I have been lead or sole counsel in the following federal cases with opinions. *Thompson v. Blessed Home, Inc.*, 22 F. Supp. 3d 542, 544, 2014 U.S. Dist. LEXIS 68417, 5:13-cv-71-BO(E.D.N.C. 2014) (FLSA) ; *Pride v. Pierce*, 5:14-cv-781-BO, 2016 U.S. Dist. LEXIS 83811 (E.D.N.C. June 28, 2016); *Dunston v. Harrison*, 585 Fed. Appx. 190, 191, 2014 U.S. App. LEXIS 21772 (4th Cir. N.C. 2014)(per curiam); *Elliott v. Rollins*, 5:11-cv-693-FL, 2013 U.S. Dist. LEXIS 140926 (E.D.N.C. Sept. 13, 2013); *McGill v. Town of Coats*, 5:12-cv-631-FL, 2013 U.S. Dist.

LEXIS 34844, 2013 WL 953929 (E.D.N.C. Mar. 11, 2013); *Petersen v. Midgett*, 140 F. Supp. 3d 490, 2:12-cv-60-D, (E.D.N.C. 2015); *Lee v. Town of Seaboard*, 2:13-cv-20-D, 2016 U.S. Dist. LEXIS 39508 (E.D.N.C. Mar. 25, 2016); *Flythe v. Davis*, 4:10-cv-126-BO, 2011 U.S. Dist. LEXIS 52425, 2011 WL 1870229 (E.D.N.C. May 16, 2011); *Williams v. Hall*, 5:11-cv-279-D, 2013 U.S. Dist. LEXIS 88292, 2013 WL 3200512 (E.D.N.C. June 24, 2013); and *Ballentine v. Town of Coats*, 5:11-CV-524-FL, 2012 U.S. Dist. LEXIS 137982, 2012 WL 4471605 (E.D.N.C. Sept. 26, 2012).

9. I am or have been sole counsel in the following FLSA cases. *Thompson v. Blessed Home, Inc.*, 22 F. Supp. 3d 542, 544, 2014 U.S. Dist. LEXIS 68417, 5:13-cv-71-BO (E.D.N.C. 2014); *Anderson v. Crandell's Enterprises, Inc. et al*, 5:15-cv-296-BO (E.D.N.C. 2015); *Anderson v. Caring Angels, LLC et al.*, 1:15-CV-692-TDS-JEP (M.D.N.C. 2015); *Robinson v. Harrison Transportation Services, Inc. et al.*, 5:15-cv-298-F (E.D.N.C. 2015). I was co-counsel in *Stovall et al. v. Murphy Oil USA, Inc.*, 5:12-cv-450-D (E.D.N.C. 2012).

10. I am or have been the counsel of record or lead counsel in numerous cases in the state courts of North Carolina, generally involving personal injury.

11. It is my experience and opinion that wage and hour employment litigation requires specialized skills and is considered a complex area of practice. Because of these factors, it ordinarily is impractical for an attorney with a general practice to take wage and hour employment cases. Accordingly, attorneys in the employment area rightfully command a higher hourly rate than in many other areas of practice.

12. My firm receives calls from all over the state for representation in employment cases. Many potential clients report that they have been unable to find counsel in their geographic area who is both able and willing to take on wage and hour employment cases when those claims are

for small amounts of back wages and involve difficult proof issues involving unrecorded work time. As a result of the above factors, it is very difficult to refer clients with possible meritorious wage and hour employment claims for relatively small amounts of back wages to counsel who are both competent and willing to handle the case.

13. I have even more difficulty making referrals to employment law practitioners anywhere in North Carolina as there are relatively few attorneys in this state who handle wage and hour employment cases for workers, especially for low wage workers for small amounts of back wages who are unable to pay fees and/or expenses. It is also difficult to find counsel to represent low wage workers in wage claims since often the amounts in question are relatively small compared to the time and expense that is required to litigate those type of claims.

14. My office is in the Eastern District of North Carolina; however, I handle cases in the Middle and Western Districts of North Carolina. My current hourly rate is usually \$300 per hour although I sometimes reduce this rate depending on the client's ability to pay, the complexity of the legal issues and whether I have a prior or long standing relationship with the client. I have obtained court and/or arbitration ordered fees at the hourly rate of \$250, which was the rate at which I entered into those representation agreements more than a year ago.


15. I am familiar with the market rates for attorneys whose offices are located in the Wake, Durham, or Orange County and who practice in the Eastern and/or Middle Districts of North Carolina. It is my opinion that the market rate for lawyers in the Eastern District of North Carolina Middle District of North Carolina for attorneys with similar skills and experience as mine ranges from \$250-\$350.

16. I am familiar with the experience and skills of Robert J. Willis and I believe him to be one of if not the most experienced and skilled FLSA/Wage and Hour plaintiff's practitioners in

North Carolina. It was precisely for this reason that I sought him to serve as lead counsel in an FLSA case. In my opinion, the market hourly rate for an attorney with an experience and skill level for FLSA/Wage and Hour cases approaching that of Robert J. Willis would be \$375-\$450. For example, in 2011 in *In re Dollar Gen. Stores FLSA Litig.*, 2011 U.S. Dist. LEXIS 98162, *13-15 (E.D.N.C. Aug. 22, 2011), the hourly rates of \$375 and \$250 were found reasonable for an attorney who was reasonably experienced in FLSA litigation and one who had lesser experience. Similarly, in *EEOC v. Propak Logistics, Inc.*, No. 1:09-cv-311, 2013 U.S. Dist. LEXIS 43511, *15-*17 (W.D.N.C. Order filed Mar. 27, 2013), the court awarded \$189,113.50 in fees for defense of a Title VII case, and found an hourly attorney fee rates of \$425 was reasonable. In my experience, the market rates for attorneys willing to pursue FLSA litigation has increased over the five years since then.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

This, the 17th day of August, 2016.



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